

REMARKS

In the official action dated August 11, 2006, claims 29 and 67-106 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner contended that the formula in claim 29 represents a broad general shape which can be modified to represent almost any shape, and was thus said to render the claim indefinite. In response, applicants contended that there was no problem in interpreting precisely what the language of claim 29 intends. Applicants further contended that since the only potential effect of deleting this limitation would be to broaden the claim, this simply raised the question of how a claim which was actually narrower could somehow be indefinite for being too broad, while at the same time the broader claim met the limitations of § 112, and is patentable.

In the latest official action, the Examiner repeated the contention that the claim is indefinite because one cannot determine the scope of the claim. The formula is said to be so broad that it can be manipulated to form numerous shapes not supported by the specification. Applicants were thus advised to remove the formula from the claim and add a structural element to better overcome any reference of record as discussed previously.

In any event, applicants have now clearly overcome the objection under 35 U.S.C. § 112 by deleting the formula from claim 29 in its entirety. Clearly this objection no longer applies. Furthermore, since applicants are unaware of any prior art which renders claim 29 in its present form unpatentable, it is respectfully submitted that this claim is now clearly in condition for allowance, and such action is therefore respectfully solicited.

Claims 29, 67, 68, 70, 71, 73, 74, 81, 91, 92, 94, 95, 96 and 97 have been rejected on the basis of obviousness-type double patenting over claims 1, 2, 38, 39, 50, 124, 127 and 137

of U.S. Patent No. 7,131,996. The Examiner contends that, although these claims are not identical, they are not patentably distinct from each other because the equation in independent claim 29 is so broad that it encompasses any generic shape which is included in Application No. 10/101,652. This rejection is respectfully traversed in view of the reasons set forth hereinafter.

Once again, since the basis for the Examiner's rejection under § 101 appears to be that the equation in claim 29 is so broad that it encompasses any generic shape, and since this equation has now been deleted from claim 29, it is applicants' position that this claim and all of the claims dependent thereon now clearly define patentable subject matter, even over the claim of the '996 Patent, and therefore removal of the rejection on the basis of obviousness-type double patenting is respectfully solicited.

Applicants therefore respectfully submit that all of the claims in this application are now in condition for immediate allowance, and such action is therefore respectfully solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any further objections thereto.

Application No.: 09/936,721

Docket No.: HAMMON 3.3-002

Finally, if there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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